

Congress of the United States

Washington, DC 20515

June 14, 2021

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

The Honorable Marvin Richardson
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and
Explosives
99 New York Avenue NE
Washington DC 20226

Dear Attorney General Garland and Acting Director Richardson:

We write to you today to express our deep concern regarding the recent Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) notice for proposed rulemaking on “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces.’” This proposed rule is alarming and jeopardizes the rights of law-abiding gun owners and disabled combat veterans across the country.

The ATF has repeatedly stated, “the brace concept was inspired by the needs of disabled combat veterans who still enjoy recreational shooting but could not reliably control heavy pistols without assistance. Consequently, ATF agrees that there are legitimate uses for certain ‘stabilizing braces.’” [1] If this is the stance of the ATF, then this is not an attempt to curb gun violence as suggested by this proposed rule, but a direct tax on disabled combat veterans. Should this rule go into effect, a disabled combat veteran who has chosen the best stabilizing brace for their disability is now a felon unless they turn in or destroy the firearm, destroy the brace, or pay a \$200 tax.[2] Furthermore, it could make millions of law-abiding citizens felons overnight. It is unclear if someone currently in possession of a pistol with a stabilizing brace is expected to apply the test to the lawfully possessed firearm or if there is some other expectation to clarify the classification. Additionally, and more troubling, is the omission of any outlined process for disabled veterans to report a disability exempting them from this unconstitutional process.

We are disturbed a government agency would issue a proposed rule that would tax and take away the ability of tens of millions of Americans, including disabled veterans to enjoy constitutionally protected rights. In fact, the ATF seems committed to attacking the constitutionally protected rights of all law-abiding citizens.

The Second Amendment is the right that allows us to defend our other rights. If we are to uphold the Constitution, this right cannot be infringed.

We urge you to take action to correct this injustice immediately by withdrawing this proposed rule.

Sincerely,



Richard Hudson
Member of Congress

[1] <https://www.federalregister.gov/documents/2020/12/18/2020-27857/objective-factors-for-classifying-weapons-with-stabilizing-braces>

[2] <https://www.atf.gov/rules-and-regulations/factoring-criteria-firearms-attached-stabilizing-braces>

Other Members of Congress signing this letter:

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